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Attorneys for Defendant,
AGI PUBLISHING, INC. dba
VALLEY YELLOW PAGES

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HARIT NIJJAR, an individual, dba
CODDINGTOWN DENTAL CARE,

Plaintiffs,

vs.

AGI PUBLISHING, INC. a California
Corporation dba VALLEY YELLOW
PAGES, and DOES 1 through 25,
inclusive,

Defendants.

Case No. 4:14-cv-2442

AGI PUBLISHING, INC. dba
VALLEY YELLOW PAGES,
ANSWER TO COMPLAINT OF
HARIT NIJJAR dba CODDINGTOWN
DENTAL CARE

Trial Date: None Set

Defendant AGI Publishing, Inc. dba Valley Yellow Pages ("Defendant"), by and through its attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby answers the Complaint of Plaintiff Harit Nijjar dba Coddington Dental Care ("Plaintiff"), and for its Answer to each paragraph of that Complaint states as follows:

RESPONSE TO ALLEGATIONS IN THE COMPLAINT

PARTIES

1. Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 1, 3, and 4 of Plaintiff's Complaint and on that basis denies them.

2. Defendant admits that Defendant AGI Publishing, Inc., dba Valley Yellow Pages, is a California corporation with corporate headquarters located at 1850 N. Gateway Blvd., Fresno, California 93727, and is the publisher of the Valley Yellow Pages.

3. Defendant denies the allegations contained in Paragraphs 5 and 6 of Plaintiff's Complaint.

JURISDICTION AND VENUE

4. Paragraphs 7 and 8 of Plaintiff's Complaint call for conclusions of law to which no response is necessary. To the extent that any response is required, Defendant denies the allegations therein.

FACTUAL BACKGROUND

5. Defendant are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 9-14, and 16-19, and, on that basis, deny them.

6. Defendant denies the allegations contained in Paragraphs 15 and 21 of Plaintiff's Complaint.

7. Paragraph 20 of Plaintiff's Complaint is a statement of what Plaintiff intends to do in this litigation to which no response is necessary. To the extent that any response is required, Defendant denies the allegations therein.

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FIRST CAUSE OF ACTION

(Common Law Infringement Of Marks)

8. In response to Paragraph 22, Defendant incorporates its responses to Paragraphs 1-21.

9. Defendant denies the allegations contained in Paragraphs 23-30 of Plaintiff's Complaint.

SECOND CAUSE OF ACTION

**(Injury To Business Reputation And Dilution Of
Distinctive Quality Of Plaintiff's Marks)**

10. In response to Paragraph 31, Defendant incorporates its responses to Paragraphs 1-30.

11. Defendant denies the allegations contained in Paragraph 32 of Plaintiff's Complaint.

THIRD CAUSE OF ACTION

**(Infringement Of Marks To Enhance Commercial Value Of
Defendants' Services)**

12. In response to Paragraph 33, Defendant incorporates its responses to Paragraphs 1-32.

13. Defendant denies the allegations contained in Paragraphs 34-35 of Plaintiff's Complaint.

FOURTH CAUSE OF ACTION

(FEDERAL Trademark Infringement, 15 U.S.C. § 1125(a))

14. In response to Paragraph 36, Defendant incorporates its responses to Paragraphs 1-35.

15. Defendant denies the allegations contained in Paragraphs 37-41 of Plaintiff's Complaint.

FIFTH CAUSE OF ACTION

**(Unfair Competition under California Law, Business and Professions Code §§
17200 et seq.)**

16. In response to Paragraph 42, Defendant incorporates its responses to Paragraphs 1-41.

17. Defendant denies the allegations contained in Paragraphs 43-46 of Plaintiff's Complaint.

SIXTH CAUSE OF ACTION

(Negligence)

18. In response to Paragraph 47, Defendant incorporates its responses to Paragraphs 1-46.

19. Defendant denies the allegations contained in Paragraphs 48-52 of Plaintiff's Complaint.

SEVENTH CAUSE OF ACTION

(Unjust Enrichment)

20. In response to Paragraph 53, Defendant incorporates its responses to Paragraphs 1-52.

21. Defendant denies the allegations contained in Paragraphs 54-55 of Plaintiff's Complaint.

EIGHTH CAUSE OF ACTION

(Injunctive Relief)

22. In response to Paragraph 56, Defendant incorporates its responses to Paragraphs 1-55.

23. Defendant denies the allegations contained in Paragraphs 57-62 of Plaintiff's Complaint.

NINTH CAUSE OF ACTION

(Invasion of Privacy by Commercial Appropriation)

24. In response to Paragraph 63, Defendant incorporates its responses to Paragraphs 1-62.

25. Defendant denies the allegations contained in Paragraphs 64-67 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

26. Plaintiff's Complaint fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

27. Plaintiffs' claims are barred as Defendant's acts as alleged in the Plaintiff's Complaint constitute fair use, either nominative, statutory or at common law.

THIRD AFFIRMATIVE DEFENSE

28. On information and belief, the passage of time and the failure of Plaintiffs to act against Defendant bars all claims, in whole or in part, under the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

29. Plaintiffs' claims and/or remedies are barred in whole or in part by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

30. Plaintiffs' claims are barred in whole or in part by applicable statutes of limitations.

MISCELLANEOUS

Defendant reserves the right to allege other defenses, affirmative or otherwise, as may become applicable or apparent during the course of discovery and/or further proceedings in this case and, thus, reserves the right to amend this

1 Answer to assert any such defenses.

2 Furthermore, Defendant reserves the right to file a counter-claim, or
3 commence a new action against Plaintiff and her agents as warranted by law and
4 facts.

5 **WHEREFORE**, Defendant requests that this Court dismiss Plaintiff's
6 Complaint with prejudice and award Defendant its attorneys' fees and costs incurred
7 herein, and such other relief as the Court deems just and proper.

8
9 DATED: June 3, 2014

LEWIS BRISBOIS BISGAARD & SMITH LLP

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12 By: /s/ Mina I. Hamilton

Mina I. Hamilton

13 Attorneys for Defendant AGI
14 PUBLISHING, INC.